

SENATE No. 3070

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
—

SENATE, May 18, 2026.

The committee on Health Care Financing to whom was referred the Senate Bill promoting community immunity (Senate, No. 2623), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 3070) (estimated cost greater than \$100,000).

For the committee,
Cindy F. Friedman

SENATE No. 3070

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**In the One Hundred and Ninety-Fourth General Court
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An Act promoting community immunity.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 24N of chapter 111 of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended, in line 32, by inserting after the word “24M” the following
3 words:- , and to administer chapter 111P.

4 SECTION 2. The General Laws are hereby amended by inserting after chapter 111O the
5 following chapter:-

6 CHAPTER 111P.

7 Section 1. As used in this chapter, the following words shall have the following meanings
8 unless the context clearly requires otherwise:-

9 “Covered program”, (a) a child care center, an early education and care program, a family
10 child care home, a large family child care home, a public preschool program, or a school-aged
11 child care program, as defined in section 1A of chapter 15D; (b) a school, whether public, private
12 or charter, that provides education to students in any combination of grade levels from

13 kindergarten to grade 12, inclusive, and including, but not limited to, any school activity open to
14 children who are otherwise instructed in accordance with section 1 of chapter 76; (c) a
15 recreational camp; or (d) an institution of higher education, whether public or private.

16 “Department”, the department of public health.

17 “Immunization”, an inoculation administered for the purpose of making a person resistant
18 to an infectious disease.

19 “Participant”, a person who engages in 1 or more activities of a covered program through
20 enrollment or other registration process.

21 “Responsible adult”, a parent or legal guardian of a participant, a participant who is an
22 emancipated minor, or a participant who has achieved the age of majority.

23 “Schedule”, the schedule of administering routine childhood immunizations, as
24 determined by the commissioner, consistent with generally accepted medical practice, scientific
25 evidence, and the provisions of section 24N of chapter 111 as amended by sections 26 to 28,
26 inclusive, of chapter 73 of the acts of 2025.

27 Section 2. To enroll in a covered program, a participant’s records shall include: (a)
28 documentation of immunizations in accordance with the schedule; (b) a vaccination exemption;
29 provided, that an exemption shall be valid for not more than 1 year; (c) evidence that the
30 participant is in the process of obtaining immunizations with the objective of compliance with
31 the schedule; or (d) for public schools only, evidence that the participant moved into the
32 commonwealth not more than 90 days before the date of enrollment and the responsible adult is
33 making a good faith effort to obtain the necessary immunization documentation. A private

34 covered program may implement immunization requirements more stringent than those set forth
35 in this chapter and chapter 76; provided, however, that the program creates and maintains a
36 written immunization policy, which shall be made available to all responsible adults.

37 Section 3. A covered program shall annually report to the department total numbers of
38 participants, the number of participants who have been immunized, and participants who are
39 exempt from immunization requirements to the department, in a standardized digital form and in
40 a uniform method determined by the department, and distribute the data to all responsible adults.
41 Distribution shall not be required if it would result in disclosure of personal information as
42 defined in section 1 of chapter 93H or otherwise violate applicable privacy laws.

43 Section 4. The department shall annually publish on its website immunization and
44 exemption data for each covered program and school district. The department may also publish
45 immunization and exemption data by municipality, county, or other geographic designation, or
46 other criteria. Publication shall not be required whenever doing so would result in disclosure of
47 personal information as defined in section 1 of chapter 93H or otherwise violate applicable
48 privacy laws. The department shall disseminate electronic copies of published data directly to the
49 school physician or nurse assigned to any public covered program pursuant to section 53 of
50 chapter 71.

51 Section 5. (a) A covered program shall be designated as an elevated risk program if
52 it: (i) has not achieved herd immunity against a vaccine-preventable disease reflected on the
53 schedule; or (ii) fails to report immunization and exemption rates consistent with this chapter.
54 Elevated risk program designations shall remain in place until the department, in its sole
55 discretion, determines that the vaccine-preventable disease no longer poses a threat of contagion,

56 or the covered program has sufficiently improved immunity rates in the covered program
57 population. The department shall maintain on its website a list of elevated risk programs.

58 (b) The department shall create a notice to responsible adults about an elevated risk
59 designation. An elevated risk program shall issue the notice to all responsible adults for
60 participants or those seeking enrollment in the program during the period in which the
61 designation is in place not more than 10 days after receiving an elevated risk program
62 designation. The department may require elevated risk programs to organize and invite all
63 responsible adults to a presentation by the department about immunization safety, immunization
64 efficacy and herd immunity. Whenever practicable, the presentation shall be conducted within 45
65 days of the designation.

66 (c) The department shall develop and make available online an informational pamphlet
67 about immunization safety and immunization efficacy; provided that the pamphlet shall be
68 physically distributed by each elevated risk program to all responsible adults for participants or
69 those seeking enrollment in the program during the period in which the designation is in place.
70 The pamphlet shall include a statement that refusing to immunize is against state public health
71 policy and may result in serious illness or death of the participant or others.

72 (d) The commissioner of the department may exclude from an elevated risk program
73 participants who are not immunized in accordance with the schedule. Upon the identification of
74 an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in a covered
75 program or the geographic area encompassing a covered program, the commissioner of the
76 department may exclude from such covered program all children who are not immunized against
77 that disease.

78 Section 6. The department shall promulgate regulations to implement this chapter;
79 provided, however, that the department of early education and care, department of elementary
80 and secondary education and department of higher education shall promulgate regulations to
81 implement application of this chapter to covered programs falling within each department's
82 jurisdiction. Except as otherwise provided herein, no provision of this chapter may be waived by
83 a covered program except by express written approval of the department; provided, however,
84 that any such waiver shall be valid for not more than one year from the date of issuance.

85 Section 7. In conjunction with and as facilitated by the department of early education and
86 care, department of elementary and secondary education and department of higher education, as
87 well as partnerships with trusted community-based organizations and local public health
88 departments, health care providers, or clergy, the department shall conduct outreach to support
89 the delivery of medically accurate information about immunizations, including but not limited to
90 the availability of programs funded through the Vaccine Purchase Fund established in section
91 24N of chapter 111. Such outreach shall focus on, but not be limited to, immunization gap
92 populations in under-vaccinated communities. Outreach shall be conducted at least biennially.

93 Section 8. The department shall collect and report data on immunizations against any
94 infectious disease that has given rise to a declared public health state of emergency in the
95 commonwealth. Daily immunization data reports, which the department shall publish on its
96 website, shall include the number of individuals receiving the immunization, delineated by age
97 and geographic location, including municipal, county and statewide counts. The department shall
98 collect infectious disease immunization data by key socioeconomic and demographic indicators,
99 including race, gender, ethnicity, disability, sexual orientation and gender identity, primary
100 language, occupation, household income, residence in elder care facilities and other congregate

101 care settings and housing status, and report such data on its website not less than weekly, except
102 where publication would result in disclosure of personal information as defined in section 1 of
103 chapter 93H or would otherwise violate applicable privacy laws.

104 SECTION 3. Section 12F of chapter 112 of the General Laws, as appearing in the 2024
105 Official Edition, is hereby amended by striking out, in lines 14 and 15, the words “have come in
106 contact with” and inserting in place thereof the following words:- be at risk of contracting.

107 SECTION 4. Said section 12F of said chapter 112, as so appearing, is hereby further
108 amended by inserting after the word “diagnosis”, in line 18, the following word:- , prevention.

109 SECTION 5. Chapter 5 of the Acts of 1995 is hereby amended by striking out section
110 122.